

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

CHAPTER 237

# **HOUSE BILL 2124**

AN ACT

AMENDING SECTIONS 33-1315 AND 33-1414, ARIZONA REVISED STATUTES; RELATING TO  
RESIDENTIAL LANDLORDS AND TENANTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1315, Arizona Revised Statutes, is amended to  
3 read:

4 33-1315. Prohibited provisions in rental agreements

5 A. A rental agreement shall not provide that the tenant does any of  
6 the following:

- 7 1. Agrees to waive or to forego rights or remedies under this chapter.  
8 2. Agrees to pay the landlord's attorney fees, except an agreement in  
9 writing may provide that attorney fees may be awarded to the prevailing  
10 party in the event of court action and except that a prevailing party in a  
11 contested forcible detainer action is eligible to be awarded attorney fees  
12 pursuant to section 12-341.01 regardless of whether the rental agreement  
13 provides for such an award.

14 3. Agrees to the exculpation or limitation of any liability of the  
15 landlord arising under law or to indemnify the landlord for that liability or  
16 the costs connected therewith.

17 4. Agrees to waive or limit the tenant's right to summon OR ANY OTHER  
18 PERSON'S RIGHT TO SUMMON a peace officer or other emergency assistance in  
19 response to ~~domestic violence as defined in section 13-3601 or 13-3601.02~~ AN  
20 EMERGENCY.

21 5. Agrees to payment of monetary ~~or other~~ penalties OR OTHERWISE  
22 PENALIZES THE TENANT for THE TENANT SUMMONING OR FOR ANY OTHER PERSON  
23 summoning a peace officer or other emergency assistance in response to  
24 ~~domestic violence as defined in section 13-3601 or 13-3601.02~~ AN EMERGENCY.

25 B. A provision THAT IS prohibited by subsection A of this section AND  
26 THAT IS included in a rental agreement is unenforceable. If a landlord  
27 deliberately uses a rental agreement containing provisions known by ~~him~~ THE  
28 LANDLORD to be prohibited, the tenant may recover actual damages sustained by  
29 ~~him~~ THE TENANT and not more than two months' periodic rent.

30 C. THIS SECTION DOES NOT LIMIT THE LANDLORD'S RIGHT TO EVICT A TENANT  
31 PURSUANT TO SECTION 33-1368.

32 Sec. 2. Section 33-1414, Arizona Revised Statutes, is amended to read:

33 33-1414. Prohibited provisions in rental agreements: late  
34 payment penalty

35 A. A rental agreement shall not provide that the tenant agrees to:

- 36 1. Waive or to forego rights or remedies under this chapter.  
37 2. Pay the landlord's ~~attorney's~~ ATTORNEY fees, except an agreement in  
38 writing may provide that ~~attorney's~~ ATTORNEY fees may be awarded to the  
39 prevailing party in the event of court action.  
40 3. The exculpation or limitation of any liability of the landlord  
41 arising under law or to indemnify the landlord for that liability or the  
42 costs connected therewith.

43 4. Permit the landlord to charge a penalty fee for late payment of  
44 rent unless a tenant is allowed a minimum of five days beyond the date the  
45 rent is due in which to remit payment.

1           5. Permit the landlord to charge a fee for a guest who does not stay  
2 for more than a total of fourteen days in any calendar month.

3           6. WAIVE OR LIMIT THE TENANT'S RIGHT TO SUMMON OR ANY OTHER PERSON'S  
4 RIGHT TO SUMMON A PEACE OFFICER OR OTHER EMERGENCY ASSISTANCE IN RESPONSE TO  
5 AN EMERGENCY.

6           7. PAYMENT OF MONETARY PENALTIES OR OTHERWISE PENALIZES THE TENANT FOR  
7 THE TENANT SUMMONING OR FOR ANY OTHER PERSON SUMMONING A PEACE OFFICER OR  
8 OTHER EMERGENCY ASSISTANCE IN RESPONSE TO AN EMERGENCY.

9           B. A provision THAT IS prohibited by subsection A OF THIS SECTION and  
10 THAT IS included in a rental agreement is unenforceable. If a landlord  
11 deliberately uses a rental agreement containing provisions known to be  
12 prohibited, the tenant may recover actual damages sustained and the rental  
13 agreement is voidable by the tenant.

14           C. A landlord may charge a penalty fee of not to exceed five dollars  
15 per day from the due date of the rent for late payment of rent if the payment  
16 is not remitted by the sixth day from the due date.

17           D. THIS SECTION DOES NOT LIMIT THE LANDLORD'S RIGHT TO EVICT A TENANT  
18 PURSUANT TO SECTION 33-1476.

APPROVED BY THE GOVERNOR MAY 1, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2006.